1950. **File No.** Dist. Police II/50

Legal Deptt.

B **BRANCH**

Subject:—

Notifications under the

Bombay Dist. Police Act 1.

P-1/E

File No. Dist. Police II/50 (N)

Gen. 194

35-B

Legal Department.

Home Department's intention appears to be to make a District Magistrate as a Licensing Authority for performances also. In that case rules 40 and 41 of the Model Rules will require to be amended on the lines suggested. If this presumption is correct and draft rule at page 5 ante will have to be amended by inserting the words " or for performances" after the word "premises"

2. The view taken by Secretary, Home Department, that the proposed amendments cannot be given retrospective effect is correct. There is nothing wrong in providing in the rules to be made under section 33A of the Bombay District Police Act, 1951, that the previous sanction of Government is necessary to the issue of the licence. Under section 33A the the District Magistrate has power to make rules. He is not a licensing authority under the section. The rules are to be made with the previous sanction of Government. But unless there is special urgency in the matter, it will be desirable to await the passing of the Consolidating Bill. In the mean while, it is open to the District Magistrates to consult Government before issuing licences.

M./ J.R.Purandhar.

Additional Secretary to Govt.

U.R. to H.D.No. 12568, dt. the 25th September 1950.

2/6

K.S.R.
2/6

MM dt. 29-9-1950.